

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	
	:	
JENNIFER SANTIAGO	:	Chapter 13
	:	
Debtor	:	No. 19-12198-AMC
	:	

**STANDING CHAPTER 13 TRUSTEE'S MOTION FOR
ALTERNATIVE DISBURSEMENT**

Scott. F. Waterman, Esquire, Standing Chapter 13 Trustee, by and through his counsel, requests that the Court authorize disbursement of certain funds to creditors for the following reasons:

1. Debtor filed the above-captioned Chapter 13 case on April 5, 2019 and her first amended plan ("Plan") [Doc 30] was confirmed on October 16, 2019.

2. The Debtor's Plan sets forth the following order of distribution of payments:

- Level 1: Trustee's Commissions
- Level 2: Domestic Support Obligations
- Level 3: Adequate Protection Payments
- Level 4: Debtor's attorney's fees
- Level 5: Priority claims, pro rata
- Level 6: Secured claims, pro rata
- Level 7: Specially classified unsecured claims
- Level 8: General unsecured claims
- Level 9: Untimely filed general unsecured non-priority claims to which debtor has not objected.

See Plan, Section 8: Order of Distribution.

3. The Plan requires the Debtor to pay \$20,675.00 to the Trustee over 60 months and as of May 18, 2022 the Debtor is in arrears in the amount of \$340.00.

4. The Plan further provides that from the funds received by the Debtor the Trustee

shall disburse the amount of \$3,158.52 to BB&T (Claim 7-1) to cure pre-petition arrearages on the Debtor's home mortgage. See Plan, section 4(b).

5. The Claim has been transferred to Legacy Mortgage Asset c/o Select Portfolio Servicing, Inc.

6. Pursuant to the Plan, after the mortgage arrearages were to be cured, the balance of the Trustee payments were to pay the secured claims of Capital One Auto Finance and Water Revenue Bureau and then to unsecured creditors on a *pro rata* basis.

7. To date, BB&T and Select Portfolio Servicing, Inc. have received \$1,113.79 from the Trustee regarding Claim 7.

8. On December 2, 2021, Select Portfolio Servicing, Inc. filed an amended proof of claim (Claim 7-2) reducing the amount of the arrearages to \$34.67 as a result of a loan modification approved by the Bankruptcy Court.

9. As a result of the claim being amended, the Trustee has paid the creditor more than the amount listed in the amended claim.

10. The Debtor has not moved to modify the Plan.

11. Because the amount that the Trustee disbursed to the creditor is greater than the amount listed in the amended proof of claim, the Trustee requests that any remaining funds being set aside to pay Claim 7-2 be reallocated to pay the remaining unpaid creditors.

WHEREFORE, the Chapter 13 Trustee requests this Court authorize the Trustee not make any further disbursements to Select Portfolio Servicing, Inc. (Claim 7-2) and instead, disburse those funds to the remaining unpaid creditors in accordance with the terms of the confirmed Plan.

Respectfully submitted,

Date: May 23, 2022

/s/ Ann E. Swartz, Esquire
Ann E. Swartz, Esq.
for
Scott F. Waterman, Esquire
Standing Chapter 13 Trustee